

RESPONSE TO OFFICE ACTION

APPLICANTS: Hurst and Crongeyor; SN: 09/102,543; FILED: June 22, 1998
EX: R. C. Watson; AU 3723; ATTY DOCKET: MEE-0026935-010

REMARKS

Amendments are presented herein to improve the form of the subject application and in response to the Examiner's comments in the above-identified Office Action.

Status of Claims

- Claims 1-24 were pending in the case during examination
- Claims 16-24 have been allowed
- Claims 1, 5-9, 12-15 stand rejected
- Claims 2-4, 10, 11 stand as objectionable
- Claims 1 and 3-24 remain in the case

Claims Rejections- 35 U.S.C. § 103(a)

Claims 1, 5-9, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 2,175,974 ("Shurtz") in view of United States Patent No. 4,239,169 ("DeSantis").

The Examiner states that, in Shurtz, 6 is a first clamp, 18, 19 is a second clamp, 24 is a tube portion receiving a shaft portion. The tube and shaft are considered by the Examiner to be adjustably locked by a peripheral split ring.

DeSantis is considered by the Examiner to teach the use of an expansion portion coaxial with a shaft and within a tube portion for locking the shaft within the tube portion.

The Examiner continues by stating that to substitute the Shurtz peripheral split ring locking means with an expansion portion coaxial with a shaft and within a tube would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of DeSantis. The

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Examiner additionally states that one of ordinary skill in the art would have been motivated to do this in order to provide a more convenient means of locking the shaft to the tube.

Applicants respectfully assert that persons of skill in the art would not combine the teachings in the Shurtz and DeSantis references. First, Applicants contend that persons of skill in the art creating for welders "universally adjustable" (Shurtz, lines 2-3) vises would not look for guidance to garment display stands (DeSantis) that provide adjustability in only one dimension (*i.e.*, up and down). It is clear from the figures of the DeSantis reference that the cross-sectionally rectangular telescopic elements do not afford rotational adjustment. Apparently, only a height adjustment is contemplated in the DeSantis reference (see, for example, column 3, line 5). It is also evident that the locking arrangement of the garment stand disclosed in the DeSantis reference cannot readily be applied to afford rotational adjustment in the context of cross-sectionally circular telescopic tubes. In fact, the known locking arrangement requires a wedge-shaped region that includes a flat wall 44 to effect wedging (see, column 2, line 54, *et seq.*) of DeSantis.

The foregoing notwithstanding, and in an effort to expedite prosecution of this case, claim 1 has been amended to specify the subject matter of dependent claim 2, which the Examiner has determined to be merely objectionable. Accordingly, the Examiner's rejection of independent claim 1 has been overcome. Claims 5-9, and 12-15, which also are subject to the Examiner's rejection under 35 U.S.C. 103(a), all depend from amended independent claim 1 and therefore contain all of the limitations therein. These claims are therefore also believed to be in allowable condition.

Objectionable Subject Matter

Claims 2, 3, 4, 10, and 11 are indicated by the Examiner to be objectionable as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form

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including all of the limitations of the base claim and any intervening claims. Claim 2, however, has been canceled.

Allowable Subject Matter

Applicants gratefully acknowledge that claims 16-24 are allowed.

Cited Prior Art

Applicants have studied the prior art references cited by the Examiner and not applied against the claims, specifically the devices taught by LeFebvre *et al.*, Waechter, and Salter, which are characterized by the Examiner as being analogous to the present invention, and have determined that these references, irrespective of whether they are viewed singularly or in combination among themselves or with any other references of record, do not teach or suggest the claimed invention.

In view of the foregoing, it is respectfully requested that the Examiner reconsider the present application, allow the claims, and pass the application for issue. If the Examiner believes that the prosecution of this case can be expedited by a telephone interview, the Examiner is requested to call attorney for Applicants at the telephone number indicated hereinbelow.

Respectfully submitted,



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